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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 SAN FRANCISCO DIVISION
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8 PORFIRIO P. JORQUE & EDITHA
9 PALANCIA,

No. C 12-00005 RS

10 Plaintiffs,

**ORDER GRANTING PLAINTIFFS'
MOTION FOR RECONSIDERATION**

11 v.

12 AMERICAN BROKERS CONDUIT, et al.,

13 Defendants.
14 _____/

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16 Following a hearing at which pro se plaintiffs failed to appear, defendants' motion to dismiss
17 was granted with leave to amend. Plaintiffs were instructed to file an amended complaint on or
18 before April 12, 2012 or the case would be automatically dismissed with prejudice. Plaintiffs failed
19 to meet this filing deadline and judgment was entered in defendants' favor. Pro se plaintiffs now
20 make a motion for reconsideration pursuant to Federal Rule of Civil Procedure ("FRCP") 60(b).
21 They request that the Court reopen the case and permit them to file the first amended complaint
22 attached to their submitted motion.

23 Under FRCP 60(b), a court may grant relief from judgment if a movant demonstrates, among
24 other things: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered
25 evidence that, with reasonable diligence, could not have been discovered in time to move for a new
26 trial; or (3) misconduct by the opposing party. *See* Fed. R. Civ. P. 60(b); *Engleson v. Burlington*
27 *N.R. Co.*, 972 F.2d 1038, 1044 (9th Cir. 1994). Here, plaintiffs insist they were never served with
28 the Court order granting defendants' motion to dismiss and directing them to file an amended
complaint by April 12, 2012. Accordingly, they argue that their failure to submit a timely amended

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1 complaint constitutes excusable neglect and inadvertence. Plaintiffs have made a sufficient showing
2 to warrant relief from the Court's dismissal. The judgment entered is hereby vacated and the case
3 will be reopened. Plaintiffs are directed to file their first amended complaint on or before May 4,
4 2012. They are cautioned, however, that from this point they will be strictly held to the same
5 standards and rules as those governing attorneys and represented parties. *See Ghazali v. Moran*, 46
6 F.3d 52, 54 (9th Cir. 1995) (upholding decision to dismiss pro se complaint for failure to comply
7 with local rules).

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9 IT IS SO ORDERED.

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11 Dated: 4/27/12



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13 RICHARD SEEBORG
14 UNITED STATES DISTRICT JUDGE
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